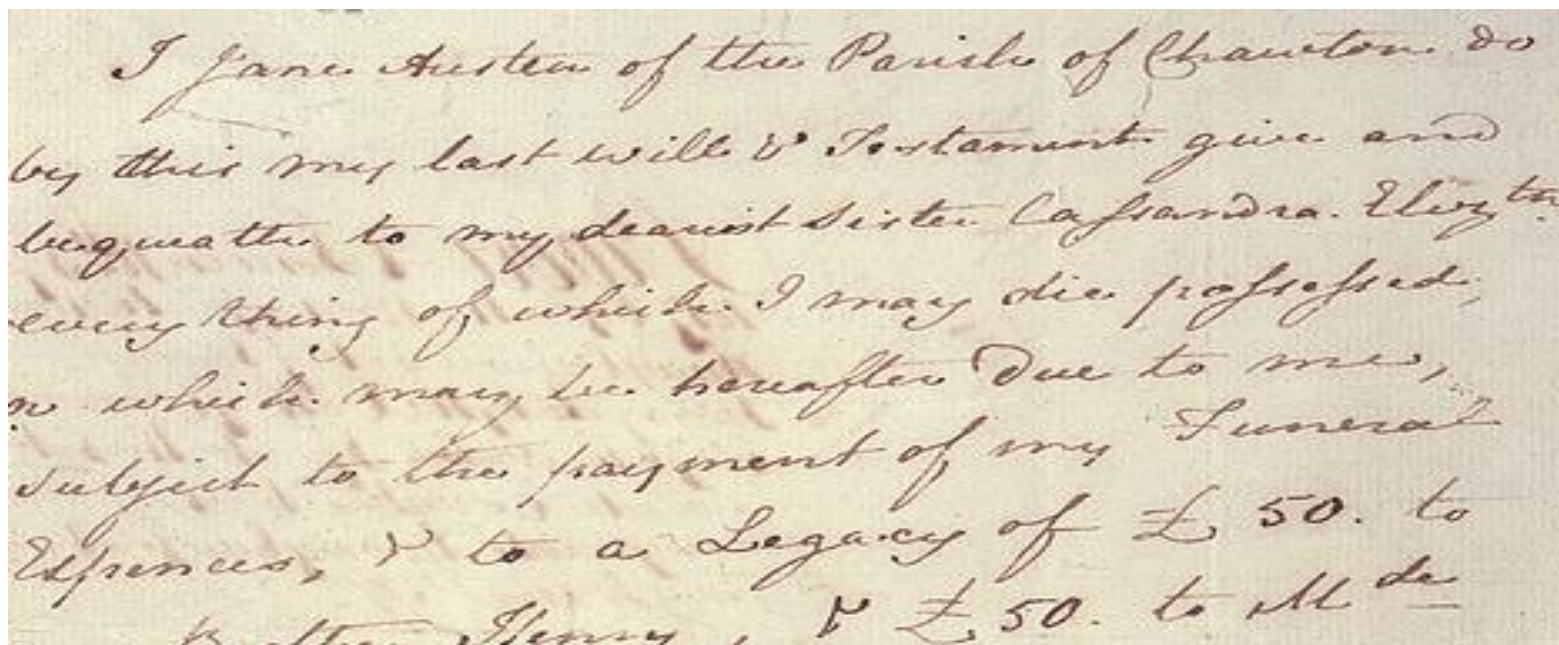


A Structural Analysis of a “Century of Wills” from Jane Austen’s Family



I Jane Austen of the Parish of Chawton. do
by this my last will & Testament give and
bequeath to my dearest Sister Cassandra. Every
thing of which I may die possessed;
on which may be hereafter due to me,
subject to the payment of my Funeral
Expenses, & to a Legacy of £ 50. to
my dear Henry, & £ 50. to Mr de

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Acknowledgements

This thesis is the result of over a decade of studying at Leiden University. It's been a journey from studying English Language and Culture to studying Public Administration and back to studying English. I re-joined the English department in September 2015 and my first course was *The Language of Late Modern English Wills* by Prof. dr. Tieken-Boon van Ostade. This course was such an inspiration to me that I decided to use it as the main inspiration for this thesis. With an unsuccessful thesis lurking at the back of my mind I found it daunting to start the present study. The indispensable guidance of Prof. dr. Tieken-Boon van Ostade helped me to leave the past behind and focus on the task at hand. A task I would have never initiated, if it wasn't for the encouragement of my husband, Sander Kootkar. I thank him, my mum and my children for their unconditional love and support.

1. Introduction

Next year, 2017, marks the 200th anniversary of Jane Austen's (1775–1817) death. This seemed like an appropriate time to dedicate this study to an underexposed element of her life, her last will. Jane “was already seriously ill” (Tieken-Boon van Ostade 2014: 323) when she wrote her will and must have thought it necessary to draw one up. She was an educated woman and could write her own will but apparently was also familiar enough with wills as a text type to have her will proved at court. Her will is mentioned in Le Faye's (2004) biography of Jane Austen but has received little linguistic attention. Besides the paper by Tieken-Boon van Ostade (2014), I am not aware of any other studies on her will. In this study I will examine what it is that makes wills a specific text type and what specific language and structure can be identified in wills. By making a comparative analysis of the wills of Jane Austen's ancestors, both of the paternal Austen family and the maternal Leigh family, I will attempt to discover whether these wills are linguistically related to each other. From this analysis I would be able to conclude whether the art of will-making was something that was passed on within a family or whether Jane Austen must have learned this practice somewhere else. Spence (2001) has collected and transcribed sixteen wills from Jane's ancestors, both maternal and paternal. These sixteen wills will be the material used for comparison in this present study. He collected these wills since they “tell us a great deal about the world she inherited at birth and inhabited all her life” (2001: 1).

From Jane Austen's financial situation we gather why wills were of importance to her during her lifetime. Both her paternal Austen line and the maternal Leigh line were fairly wealthy families, as we will see in Chapter 2. Even though some of the family members may seem remote from Jane Austen, their legacies may have played an important role in her life. There is a “huge disjunction between money in the life of Jane Austen and money in the lives of her heroines” (Hume 2012: 293). From her letters we learn that Jane Austen was greatly concerned with money and that keeping up her standard of living and appearance on her small income was no easy task. She meticulously kept track of all her expenses and tried to reduce them whenever possible (Hume 2012: 292). As Jane and her sister Cassandra (1773–1845) depended upon their male relatives to support them with an income, they must have been very interested in possible future legacies from (distant) relatives. When their father died in 1805 he left all his possessions to his wife Cassandra, but the annuity he had received from the Hand-in-Hand society died with him (Le Faye 2004: 146). Jane's brothers Henry, Frank and Edward supported their mother both in funds and by being her banker. Jane's sister Cassandra

had a little income of her own as she received interest from a legacy left to her by her fiancé who died before they were married. The three women were ensured of a joint annual income of £450 (Le Faye 2004: 147). Both Cassandra and Jane were spinsters and without marrying into money they had to secure an income for themselves either from inheritance or as Jane did from her novels. Even though her novels are highly successful today, Jane didn't receive much fortune from them. *Pride and Prejudice* earned her £110 (Hume 2012: 293) comparable to about £4600 in 2005.¹ However, Jane still had to be frugal with money. She could no longer afford the standard of living she had been used to before the death of her father, but liked keeping up appearances.

From the wills of Jane's ancestors we learn of the wealth in her family. From her situation as an unmarried woman we can understand how she would be very interested in a possible future inheritance to secure her own income. In order to analyse the wills of Jane and her ancestors I will first discuss wills as a text type, discussing the conventions and structures used in wills. The study of wills has received relatively little scholarly attention from a linguistic point of view. An important study in this area was that of Ulrich Bach (1995) of a corpus of registered wills of members of the University of Cambridge from the sixteenth and seventeenth centuries. Based on this corpus Bach devised a structural scheme for wills from the period which consisted of a preamble, a religious part, secular bequests and assertion and confirmation of authenticity, all with their own fixed subcomponents (1995: 137–138). In his study, he identified certain religious aspects of wills that were particularly evident from the wills of some of the radical Protestant testators in his corpus. Bach's structural scheme was applied by Tieken-Boon van Ostade (2014) in her analysis of Jane Austen's will which shows that she left out a number of structural elements that were present in the Early Modern English period. The structural scheme will be discussed at length in Chapter 2.

1.1 Hypothesis and Overview

In this study I will make a comparative analysis of sixteen wills from Jane Austen's family, seven of which are from the hands of her paternal ancestors and nine of her maternal ancestors; in addition, the final will that of Jane Austen herself. I will make use of the WordSmith Tools language analysis software to determine the similarities and differences between these wills. Drawing up a will and having it declared valid at court requires specific

¹The National Archives currency converter allows for a conversion of any amount of money in £ from 1270 to 1970 to be converted to what it would have been worth in 2005. <http://www.nationalarchives.gov.uk/currency/>.

knowledge of the requirements and forms of wills. Analysing both the structure and language use of the wills, allows me to conclude whether the art of will-making was passed on in the Austen and Leigh families or whether Jane Austen must have learned how to draw up a will in some other way. My hypothesis is that the art of will-making was passed on within a family and that similarities are to be seen in wills from the same family. To this end Chapter 2 will introduce wills followed by an introduction on the Austen and Leigh families in Chapter 3. Chapter 4 will discuss the methodology used for this analysis, Chapter 5 will present the results, Chapter 6 offers the analysis and Chapter 7 will present the final conclusion.

2. Theoretical and Background Information

This chapter will first introduce wills as a text type, their conventions, function, language use and relevant terminology. The structure as proposed by Bach (1995) will be discussed in detail as well. The second part of the chapter will introduce the Austen and Leigh families, focussing on the family members whose wills will be analysed in this study.

2.1 Wills and their conventions

Wills are a specific text type with their own conventions. They are “documents in which people try to exert control over their property – and their heirs – after their death” (Grannum & Taylor 2009: 13). Bach (1995) adds to this first function of wills a second, religious function. Wills deal with secular bequests but also with bequests of the soul and body and “defining, asserting, demonstrating, confessing, justifying and defending one’s religious beliefs, hopes and knowledge as well as denouncing particular unwanted rites in the bewildering landscape of competing doctrines of belief” (Bach 1995: 125). After the Wills Act of 1857 the religious function of wills was formally ended. In practice it was already in decline in the century before (Bach 1995: 133). Wills have a similar structure and use similar formulae. Not everyone was allowed to make a will: felons, usurers, libellers, suicides, slaves, excommunicates, heretics and apostates were not allowed to leave a will (Grannum & Taylor 2009: 68). Married women could draw up a will but it could be revoked by their husbands at any time, even after death. Only after the Married Women’s Property Act in 1882 were women allowed to leave a will in their own right (Grannum & Taylor 2009: 68). The analysis of the seven wills by women in this thesis will pay special attention to their marital status. Women were not only discriminated against in being unable to have their own possessions but also in inheriting. Conventional wills follow the rules of patriarchy and primogeniture and though it is common for women to inherit a small legacy to support them, the majority of an estate would usually go to the firstborn son. Besides conventions of who to leave your estate to, there were also conventions on the form of a will.

Even though wills are documents with an important legal function, there are only minimal formal requirements for the contents or linguistic forms of wills (Bach 1995: 125). A will needed to be proved at court before the bequests made in it could be executed. The validity of a will could be contested for a number of reasons, as described by Grannum & Taylor (2009):

- If the will was made by a testator who was legally exempt from making a will.
- If bequests were jointly owned.

- If the form of the disposal was unlawful.
- If the executor was incapable of acting as such.
- If the will was made in fear (in case of coercion).
- If the will was fraudulent.
- If there was an error regarding either the person, name or suitability of an executor or legatee, or an item bequeathed.
- If the quality and legibility of the will were imperfect.
- If the will had no witnesses.

Under the Wills Act of 1837 the legal requirements for making a will were expanded.² A will could be drawn up by the testator himself in his own hand or this task could be entrusted to a family member, a friend or a scribe. In case testators didn't write the wills themselves, the language of the wills might not reflect their personal language or spelling. When wills were submitted to the relevant courts, they were copied by scribes and a scribal copy of the will was stored in the archives (Grannum & Taylor 2009: 17). In copying the wills the original spelling might be adjusted by the scribe. In most cases only the scribal copies of the wills have been preserved it is impossible to compare. In the case of Jane Austen both the original and the scribal copy have been preserved and as noted in the analysis of the will by Tieken-Boon van Ostade (2014) there is a discrepancy in the spelling and punctuation between the original will and the scribal copy. Spence's transcriptions of the wills are based on the scribal copies preserved in the National Archives. As both the scribe and Spence might have made changes to spelling and punctuation there might be a discrepancy between the wills as they existed originally and the transcriptions used in this study.

According to Bach (1995) there are three basic institutional conditions of will-making: wills are ambulatory, revocable and unilateral. The three conditions are closely intertwined with each other. Wills deal with whatever happens to the possessions, body and/or soul of the testator after his or her death. The condition of being ambulatory is also referred to as the 'after death' condition (Bach 1995: 128). The testator cannot perform his bequests and needs to trust his executor to do this for him as is delegated in the will. The testator has the right to revoke all former wills, only making them definitive after the death of the testator. A will declares the wishes of the testator in bequeathing his possessions. In revoking earlier wills it

²The minimum age for leaving a will became 21 and witnesses were no longer allowed to benefit from the will (Grannum & Taylor 2009: 69).

is always the will that is revoked, not a bequest since none have been made yet. The third condition, that of wills being unilateral, means that wills are one-directional and are not binding upon the testator unlike a contract. The testator can, moreover, revoke the will at any time and cannot be bound to it by any future legatee: only after death is the will permanent as there is no longer a possibility to revoke it. The unilateral condition accounts for the particular linguistic feature of wills lacking the use of second person pronouns. Wills are not a promise, not a two-way contract and therefore have no addressee. They have to be clear, understandable and unambiguous for the executors to be able to execute them according to the testator's wishes. For this reason testators resort to fixed forms and formulae and use archaic spellings that have proved to be successful in the past. Legal language is archaic today and must have been so centuries ago. Lawyers have to "face today's and tomorrow's problems with concepts of the past", according to Lemmens (2011: 76) and are in no hurry to change what they know has been proven to be effective. Besides their proven effectiveness, archaic forms are also used in legal language because they sound "more formal" (Tiersma 1999: 95). Sticking to the legal language and conventions of the past is what makes wills into the specific text type they still are today. Some of the fixed formulae and phrases are discussed along with Bach's structure in section 2.2.

2.2 The Structure of Wills

This section will introduce the structural components of wills as proposed by Bach (1995). Not all of these components are necessarily present in all wills. Wills consist of four main parts, each with fixed subcomponents (Bach 1995: 137-138):

- Preamble
 - Invocation of God
 - Initial Date
 - Self-identification
 - Justification
 - Assertion of capacity to act
 - Declaration of making a will
- Religious part
 - Bequest of soul
 - Bequest of body
 - Burial instructions
 - Intercession and requiem mass (Roman Catholic wills only)

- Secular Bequests
 - Individual bequests
 - Optional: Advice and admonition
 - Appointment of executor
 - Optional: Expression of trust
- Assertion and confirmation of authenticity
 - Scribal statement
 - Signature
 - End date
 - Witnesses

All four sections and the fixed phrases used to address these structural components will be discussed separately in the following sections.

2.2.1 Preamble

Wills start with an invocation of God, usually with the phrase “in the name of God Amen”.

An initial date is included to indicate when the testator started to draw up the will. In the self-identification the testator makes himself known, a fixed form is used for this. Jane Austen, for instance, identifies herself with the phrase “I Jane Austen of the Parish of Chawton...”

(Spence 2001: 114), but the self-identification can also be more elaborate, like that of the silversmith Hester Bateman “I Hester Bateman late of St. Lukes Middlesex but now of St Andrews Holborn” or shorter like that of philosopher Jeremy Bentham who identifies himself with “I Jeremy Bentham”.³ The justification for making a will might be an expression by the testator of the feeling that his death is near. Bach mentions the expression “being sick in body” (1995: 142) being used to express this justification. It was conventional for wills to be drawn up later in life when one was seriously ill or on his deathbed as “it was thought that making a will too early in life might tempt fate and accelerate death” (Grannum & Taylor 2009: 15). Testators declared by ‘being of sound mind’ that they were still capable to draw up their will, thereby ensuring the validity of a will. The declaration of making a will also has a fixed expression: “... do make and declare this my last will and testament”, as found in i.e. Jane’s sister Cassandra’s will: “do make and publish this my last Will & Testament”.⁴ By declaring

³ I came across the wills of Hester Bateman and Jeremy Bentham in the MA course *The Language of Late Modern English Wills* taught at Leiden University in the academic year 2015/2016 academic by Prof. Tieken-Boon van Ostade. Hester Bateman: TNA PROB 11/1257/139 Jeremy Bentham: TNA PROB 11/1801/468.

⁴ Cassandra Austen: TNA PROB 11/2015/93.

that the document at hand is a will, takes away any ambiguity on the matter that might arise after death and could contest the validity of the will.

2.2.2 Religious Part

In the religious section of the will testators make bequests that have to do with their souls and bodies after death. The soul is entrusted to God and instructions are left for what to do with the body after the death of the testator. In the radical Protestant wills that make up his corpus Bach (1995) also found confessions of sinfulness, Bible quotations and theological doctrines (126). As mentioned above, the religious function of wills was in decline and the religious part of wills was becoming shorter over time.

2.2.3 Secular Bequests

In the secular bequests the testator describes what he wants to happen to his worldly goods after death. A testator can make individual bequests to an unlimited number of legatees. This part of a will can be short, especially when no possessions in particular are described and all possessions are left to a single legatee. But the individual bequests could also be pages and pages long with specific bequests and conditions with respect to these bequests. Conditions can be set on the age of the legatees e.g. to put money in trust until they reach the age of eighteen or twenty. The executors or executrixes are also appointed in this section of the will.

2.2.4 Assertion and confirmation of authenticity

The final part of the will is concerned with confirming the authenticity of the will. The testator and the witness(es) sign the will and confirm the date on which they did so. If the validity of the will was questioned, the witnesses could be asked to confirm the authenticity of it. Especially in the case of disputes witnesses could play a crucial role. In the case of Jane Austen's will there were no witnesses, an additional statements to testify to its validity. She Bach (1995: 138) mentions the scribal statement as a structural element present in wills. He doesn't explain what it is he means by this. Wills weren't always written by the testator but could be dictated to family members or scribes. In this case the will had to be read aloud to the testator to make sure it was according to his wishes. In the final part of the will the phrase *signed sealed published and declared* occurs frequently. In this study I will interpret *declared* as the scribal statement as it indicates a scribe writing the will and declaring it to the testator.

2.3 Legal Language

As mentioned above, legal language tends to be repetitive in form to avoid ambiguity and to ensure its effectiveness. For these reasons, testators resort to fixed formulae to describe their

wishes in their wills. Resorting to “a linguistic formula – or rather collections of such formulae – which are known to do the job adequately, having been subjected to long and thorough testing before the courts” (Crystal and Davy 1969: 194) ensures its effectiveness even when scrutinised. Some of these fixed expressions, such as *being of sound mind*, have already been mentioned when I discussed Bach’s structural scheme in section 2.2. Other elements such as doublets like *give and bequeath*, *will and testament* or *mind and memory* were very common in wills. Some testators didn’t just use doublets but would exaggerate this feature and would include sentences like *losses costs charges and expenses*.⁵ Legal language tends to be elaborate and repetitive to avoid ambiguity. Extremely long and repetitive sentences are a result of this. It was the tradition of early legal documents to be presented as a solid block of script with no room for additions or deletions (Crystal and Davy 1969: 197). What makes wills even harder to read is the scarcity of punctuation. As is common in legal documents (Doonan and Foster 2001: 155), punctuation is often rare and sometimes even completely absent. The way of presenting legal documents like this still continues today, where “thinly punctuated sentences are the rule rather than the exception” (Crystal and Davy 1969: 197). In speech or normal writing anaphors can be used to reduce repetition. In legal language, however, anaphors are scarce: “the trouble with substitutes of this kind, however, is that they can often look as though they are referring back to an item other than that which the writer had in mind” (Crystal and Davy 1969: 202). Adjectives are less frequent in legal documents and intensifying adverbs such as *very* and *rather* are completely absent (Crystal and Davy 1969: 206). Other features of legal language that can be found in wills include the use of periphrastic *do* as in *do make and declare*., the anaphoric use of *said* in phrases such as *my said daughter* and double determiners such as in *this my last will* (Tieken-Boon van Ostade 2014: 323). Not just the language use of wills was archaic but also the spelling. The use of long <s> and <ff> for <F> though not unusual in eighteenth-century texts (Tieken-Boon van Ostade 2014: 328) is very prominent in legal documents. Another feature that is present in wills is that of using extra initial capitals or capitalisation in places “other than at the beginning of sentences, for personal and geographical names, days of the week, months and the like” (Tieken-Boon van Ostade 2014: 327). This was a typical feature of eighteenth-century English with a mid-century peak of capitalisation of all nouns in printed text. At the end of the eighteenth century this practice was abandoned (Tieken-Boon van Ostade 2014: 327).

⁵ Philadelphia Hancock: TNA PROB 11/1216/154

2.4 Concluding Remarks

This chapter introduced wills as a text type. The structure of sixteenth and seventeenth century wills as proposed by Bach has been discussed in this chapter as well as the conventions and language use of wills. The purpose of this chapter was to provide the theoretical and background information necessary to design the methodology in Chapter 4. Before turning to the methodology the Austen and Leigh families will first be introduced in Chapter 3.

3. Introducing the Austens and the Leighs

3.1 Introduction

Having discussed wills as a text type in Chapter 2, this chapter introduces the Austen and Leigh families that will be subject of the analysis in the present study. The biographical information in this chapter and Chapter 5 is mainly drawn from Le Faye (2004) and Spence (2001) any other cited sources are referenced in the text. I will start by introducing the Austens in section 2.4.1 followed by the Leighs in 2.4.2. These sections sketch the family relations and the wealth of both families. The following family members have their will included in the present study and their names will be in bold in the following sections:

- John Austen II (1629–1705)
- William Austen (1701–1737)
- Stephen Austen (1704–1750)
- Cope Freeman (d. 1734)
- John Cope Freeman (1724–1788)
- Philadelphia Hancock Austen (1730–1792)
- Theophilus Leigh (1643–1725)
- John Walker (d. 1736)
- James Perrott (1639–1724)
- Henry Perrott (1689–1740)
- Thomas Perrott (d. 1751)
- Ann Perrot (1676–1760)
- Thomas Leigh (1696–1764)
- Jane Leigh Walker (1704–1768)
- The Honourable Mary Leigh (d.1806)

3.2 The Austen family

The paternal Austen line can be traced back to a William Astyn who lived in Yalding in the Weald of Kent and died in 1522. His descendants moved to Horsmonden and records show they were a wealthy family, as they owned property. The family wealth had been gathered from the clothier trade. Together with the Bathurst and Courthorpe families the Austens were called “The Grey Coats of Kent” and they didn’t just rule the clothier trade but were influential in the county itself as well: “They were usually called, from their dress, The Grey

Coats of Kent, and were a body so numerous and united, that at county elections, whoever had their votes and interest was almost certain of being elected (Hasted 1797: 97).” John Austen I (1560–1620) lived in the manor-house of Broadford in the Horsmonden-parish. His fifth son Francis I (1600–1688) acquired another manor-house, that of Grovehurst and eventually inherited Broadford as well. It was Francis’ son **John Austen III** (1629–1705) who inherited Grovehurst and followed the family tradition of the clothier trade. John Austen III was Jane Austen’s great-great-grandfather and is the first Austen to have his will included in the present study. His oldest son John died a year before him in 1704 and was known at the time as ‘Gentleman’ (Spence 2001: 4). Even though **John Austen III** had a considerable legacy to leave his children he left the greater majority of his legacy to his grandson John Austen V leaving his daughters and other grandchildren only meagre sums in comparison. He followed the standard practice of primogeniture and with that ensured his oldest grandson John Austen V of the title of gentleman. In his will **John Austen III** made sure that the money could only be used by John Austen V and was not to be used under any circumstance his mother, who inherited serious debts from her late husband. This John Austen V, in turn left his possessions to his son John Austen VI who died without any surviving children in 1807 and needed to pass his fortune to another branch of the family. Jane Austen mentions the legacy in a letter to her sister Cassandra:

We have at last heard something of Mr Austen’s Will. It is beleived at Tunbridge that he has left everything after the death of his widow to Mr. Motley^y Austen’s 3^d son John; & as the said John was the only one of the Family who attended the Funeral, it seems likely to be true. – Such ill-gotten Wealth can never prosper! (Le Faye 1995: 122).

The troubles **John Austen III** went through to get his legacy passed on to his grandson have apparently not gone unnoticed, since even his great great-granddaughter Jane is informed of the story and appears not to be the least disappointed that none of her great-uncle’s money came down to her line of the Austen family. The inequality created by the way John III divided his fortune among his heirs and his reluctance to relieve his widowed daughter-in-law from the financial troubles caused by her husband are a cause for Jane Austen to refer to the legacy as “ill-gotten”. This inequality in the division of wealth in **John III**’s will created a breach in the family that was never mended.

John Austen IV left his wife Elizabeth Weller nothing but debts. She was forced to rent out the Broadford family estate to take care of the six children who were not provided

for by their grandfather. She managed to pay off her late husband's debts and to educate her children. Her sons Francis Austen II (1698–1791), **William Austen (1701–1737)** and Thomas Austen (1699–1772) were trained as a lawyer, surgeon and apothecary respectively. **William** wrote his will in 1735 leaving his brothers Francis and **Stephen** in charge of his property to use it as they saw fit for the education of his three children. He was a widower when he wrote this will but remarried a year later. He never updated his will, leaving his second wife nothing at his death in 1737. Being neglected in the will she had no legal obligation to take care of her three orphaned stepchildren and lacking a moral obligation as well she entrusted them to their uncles Francis and **Stephen**. Francis was still a bachelor at the time while **Stephen** was married and had a child. It apparently seemed more appropriate for the orphans **Philadelphia**, George and Leonora to live with their uncle Stephen. Who, however, neglected the children and sent them to live with other relatives. George Austen (1731–1805) was sent to his aunt Elizabeth Austen and **Philadelphia** to some of her mother's relatives. Only Leonora (1732–1781), who was possibly handicapped, stayed with her uncle Stephen.

George turned out a bright young man who thrived in education. He was too young and poor to take in his sister **Philadelphia** when she finished her apprenticeship with a London milliner in 1750. She sailed for India to find herself a husband within the European community there and married the surgeon Tysoe Hancock (1724–1775) within six months of arriving in India. The marriage might have been arranged by her uncle Francis who had acted as Hancock's attorney in earlier years. Meanwhile, George became a parish priest at Steventon, Hampshire in the 1760s, got engaged to Cassandra Leigh and married her in 1764. They had eight children, the youngest daughter being Jane Austen. Having traced the paternal line from the earliest known ancestor to Jane Austen I will now discuss the maternal Leigh line of the family.

3.3 Introducing the Leighs

Jane Austen's maternal Leigh line descends from Sir Thomas Leigh (d. 1571), Lord Mayor of London at the time of the accession of Queen Elizabeth in 1558. He "amassed an enormous fortune" as a mercer.⁶ From this Sir Thomas Leigh two lines descend, the Leighs of Adlestrop and the Leighs of Stoneleigh Abbey in Warwickshire. To get to Jane Austen we follow the line of the Leighs of Adlestrop. The next in line is Rowland Leigh (1542–1603) who, like his

⁶ ODNB, s.u. "Thomas Leigh"

father, pursued a successful political career, becoming a Member of Parliament in 1584. His only son William Leigh (1585–1632) inherited the full estate upon his father's death. Not much is known about this William, except that he married Elizabeth Whorwood and that they had three children, the only son being William Leigh II (1604–1690).⁷ William Leigh II married Joanna Pury and they had twelve children. Their son **Theophilus Leigh** (1648–1725) was Jane Austen's great-grandfather. He married Mary Brydges as his second wife in 1689. Mary's brother James, the 1st Duke of Chandos, married Cassandra Willoughby (1670–1735), which was how this slightly unusual first name entered the Leigh and later Austen family (Austen-Leigh 2008: 220). Theophilus was known for his "old-fashioned dress and very formal behavior, of his affability to his neighbours and his strict but just government of his sons" (Le Fay 2004: 7). His daughters were educated in the ducal estate and marriages and dowries of £3000 each were arranged by their uncle, the duke. Theophilus's son **Thomas Leigh** (1696–1764) became the rector of All Souls College of Harpsden in Oxfordshire. He was a much loved and respected parish priest until his death in 1764. He married **Jane Walker** (1704–1768) and they had six children, two of whom died at birth while the youngest child, Thomas, was mentally handicapped or "imbecile from birth" (Le Faye p.8). Jane Walker's aunt **Ann Perrot** (1676–1760) was responsible for increasing the family fortune. She convinced her childless brother **Thomas Perrot** (1694–1751) to leave her only an annuity and leave the rest of his estate to their great-nephew James Perrot (1735–1817). Thomas agreed to on condition that James were to change his last name to Perrot, upon which James became James Leigh-Perrot in 1751 at the time of his great-uncle's death. Not only James, but also his sisters Cassandra (1739–1827) and Jane (1736–1783) were to benefit from their great-aunt Ann and received £200 each. It was this Cassandra who was to marry George Austen and later become Jane Austen's mother.

In briefly describing the Austen and Leigh families it becomes clear that wills and legacies were important means which might greatly influence the lives of possible heirs. Even remote family connections may have great consequences when it comes to inheriting. John Spence's aim with his collection of wills was to gather information on the world Jane inherited and inhabited and therefore he chose to include the will of very distant cousin the Honourable Mary Leigh (d.1806) in his collection of wills. Mary Leigh was from another and ennobled branch of the Leigh family. She was the last member of this branch and in search of an heir. Even though Jane Austen and her family were hoping to benefit from this inheritance

⁷ From Roglo genealogical database <http://roglo.eu/roglo?lang=en;i=5551464>.

this will is so remote from them that I decided not to include it in the present study. Chances are very slim that Jane or her close relatives had access to this will and were able to use it as a model for their own wills. In the next chapter I will describe the methodology that I developed in order to analyse the wills of Jane Austen and her relatives.

3.4 Concluding remarks

This chapter introduced both the paternal Austen and maternal Leigh family. The purpose of this was to introduce the families whose wills are analysed in this study. The background information on the family relationships serves to provide a better understanding of the wills. In addition to Chapter 2 this chapter adds to the background information necessary for the methodology that will be presented in Chapter 4.

4. Methodology

4.1 Introduction

This chapter will describe the methodology used in the present study to perform the comparative analysis of the wills from Jane Austen's family. All wills will be analysed following the same three steps which will be discussed in detail in this chapter:

1. Comparing the keywords through WordSmith Tools software.
2. Comparing the structural elements of the wills to Bach's structural scheme of sixteenth and seventeenth century wills.
3. Comparing the language and spelling to its predecessors.

As wills were private documents which were sealed until the death of the testator, I decided to order them by the date of the decease of the testator, not the date the will was written even though there might be a discrepancy between the two. Ordering the wills in the order of the year of death of the testator resulted in a chronological order for the dates the wills were written for both the paternal and maternal lines. Table 3.1 shows this order, the dates the wills were written and the year of death of the testators. This order is different from the one used by Spence (2001).

Name	Date will was written	Year of death
Paternal line		
John Austen	12 May 1705	1705
Cope Freeman	12 December 1733	1734
William Austen	14 November 1735	1737
Stephen Austen	20 March 1745	1750
John Cope Freeman	29 December 1779	1788
Codicil	8 June 1785	
Philadelphia Hancock née Austen	14 December 1791	1792
Maternal line		
James Perrott	14 August 1721	1724
Theophilus Leigh	28 April 1722	1725
John Walker	8 November 1733	1736

Henry Perrot	11 August 1737	1740
Thomas Perrot	3 March 1747	1751
Codicil	25 October 1748	
Ann Perrot	19 September 1755	1760
Thomas Leigh	1 May 1762	1764
Jane Walker née Leigh	12 July 1768	1768
Jane Austen	27 April 1817	1817

Table 4.1 Wills ordered by the year they were written

4.2 Keyword analysis

WordSmith Tools is a computer program developed by Mike Scott at the University of Liverpool. One of its features is that it enables its users to do a keyword analysis of a text compared to another text or reference corpus in order to identify keywords: it identifies all words that “occur unusually frequent in comparison with some kind of reference corpus”.⁸ Besides identifying words that occur unusually frequent it can also identify words with a negative keyness; words that would have been expected to occur more frequently in comparison to the reference corpus. There is also the possibility that the keyword analysis will not generate any keywords. In the present study I will compare each will to a corpus of all its predecessors. I will start by analysing the paternal line, starting with the will of John Austen. As this will is the starting point for the paternal line it won’t be compared to any predecessors with WordSmith Tools. It forms the reference corpus to which the second will, that of Cope Freeman will be compared to. These wills combined will be the corpus which the third will, that of William Austen, will be compared to and so forth. The same process will be repeated for the maternal line and eventually the will of Jane Austen herself will be the first to be compared to a combined corpus of both the paternal and the maternal line. It is possible that in the keyword analyses of the earliest wills in both lines there will not be any keywords. The small size of both the will and the reference corpus at the earliest points in the analysis might be a cause for the lack of keywords to be identified.

It is expected that names will be among the keywords in the wills but that words that are specific to wills as a text type such as *bequeath*, *testament*, and *executor* won’t. If names come up as keywords they are eliminated from the current analysis, since they serve no

⁸ Step-by-step guide to WordSmith
http://www.lexically.net/wordsmith/step_by_step_English7/index.html?overviewofkeywords.htm.

purpose in comparing the language or structure of wills. The keyword analysis may provide evidence that may serve as a first indication of differences and similarities between the wills analysed. If the wills are very similar the number of keywords will be small, especially after eliminating names. To see if the Austen and Leigh families follow a different tradition in making wills I will also compare the corpus of the Austen wills to the corpus of Leigh wills in a keyword analysis.

4.3 Comparison to Bach's structure

The presence or absence of the structural components of wills as proposed by Bach (1995) will be identified in every will. I will follow the order as proposed by Bach and indicate the presence or absence of all structural components and the language used to express them. Bach's structure is based on wills from the sixteenth and seventeenth centuries and might not be fully applicable to the eighteenth century wills in the present study. I will compare the presence and absence of all structural components to Bach's structural scheme and if significant differences are present, I will propose an updated structural scheme for eighteenth century wills. There are eighteen structural components proposed by Bach as described in section 2.2 and I will identify the presence or absence of each component in each of the wills. Not only will I mark the presence or absence of these components but I will also document the exact words used to express them, as this will allow for an easy comparison between all the wills. As the list of individual bequests can vary from being very short as in the case of Jane Austen to several pages as in the will of John Austen (1629–1705) I won't include the exact wording of the individual bequests.

4.4 Comparing language and spelling

The analysis of every will will have a section on language and spelling. This section will discuss the spelling, grammar, capitalisation and doublets used in the will. I will identify whether the will consists of the fixed formulae wills are known for or whether the language used is deviant from the norm. When describing the spelling I will be looking for *ff* for *F*. In transcribing the original wills Spence changed long <s> to *s* therefore I won't be able to identify long <s> in any wills other than Jane Austen's will as that has come down to us in her own hand. Besides this spelling I will look for archaic spellings in the will. I will check the usage according to the *Oxford English Dictionary* to determine whether a specific spelling was archaic at the time the will was written. I will note that capitalisation of nouns in the wills and will see if it follows the pattern of capitalisation in common eighteenth-century usage as described in section 2.3. I will describe the capitalisation and possible patterns of

capitalisation that might be identified. Furthermore I will make note of the punctuation in the wills if there is any. I will also determine whether the wills have any (pronominal) anaphors or intensifying adverbs, since legal language is characterised by their absence. I will look for the pronominal subject forms *he*, *she*, *it* and *they*. The presence of these forms in the wills will be an indication of the presence of pronominal anaphors in general. If none of these four forms are present in the will, I will look at the wills in greater detail and study whether there are other anaphoric pronouns in the will. The sections on spelling and language are concluded by listing the doublets used in wills. The use of doublets was a common practice in wills and will be items I will be looking for in particular because they convey that the person who drew up the will was familiar with the language of wills. It is common to introduce a will by stating that it is the *last will and testament* of a testator, as in the case of Jane Austen. Since will and testament don't have the same meaning, I won't list this combination as a doublet but will refer to it as a fixed formula in wills (*OED*, s.u. *will*, n. and *testament*, n.). Common doublets in wills are *give and bequeath*, *my mind and will*, *will and direct* and *make and appoint* and I expect to find at least a number of them in every will. The analysis and results are in the next chapter.

5. Analysis & Results

5.1 Introduction

This chapter will first discuss analysis and second the results of the analysis of the keyword and structural analyses of the wills from Jane Austen's family as listed in Chapter 3. I will start with the paternal line, followed by the maternal line and will finally discuss the will of Jane Austen herself. For every will I will follow the three steps described in the previous chapter. An overview of the results on the structural analysis can be found in Table 5.6.

5.2 John Austen (1629–1705)

John Austen was the great-great-grandfather of Jane Austen. He left the majority of his possessions to his grandson John Austen (1696–1728), the oldest son of his son John Austen (1670–1704) who died a year before him. The will consists of 2654 words and the original consisted of six pages, as is mentioned in the will. John Austen went out of his way to assign an heir for his possessions and in case of the death of an heir before the age of twenty-two he included no less than six back-ups. He also demanded that his heir would be placed in the guardianship of his sons-in-law Stephen Stringer and John Holman and that £2000 would be taken out of the inheritance and granted to these sons-in-law. By placing the heir in the guardianship of his sons-in-law would ensure that his widowed daughter-in-law Elizabeth Weller wouldn't be able to get a hold of his estate.

5.2.1.Keyword Analysis

Since John Austen is the starting point of the analysis of the paternal line there is no previous will to compare his will to. The first keyword analysis will be in the next will in the paternal line.

5.2.2 Structural Components

The will starts with the invocation of God using the fixed expression *In the name of God Amen* and is followed by the self-identification *I John Austen of Horsmonden in the County of Kent Clothier* and the assertion of capacity to act *being in perfect health and of sounds and disposing mind and memory*. He then declares he is making a will by using the fixed formula *Doe make and ordaine this my last Will and Testament in manner and forme following*. The religious part of the will mentions a bequest of the soul *I yield up my Soule to the Almighty God my Creator hoping to obtaine remission of all my Sins* and burial instructions: *my body I will to be decently buried according to the discretion of my Executors*. The religious section is followed by the individual bequests which take up over 2300 words. The sons-in-law are

appointed executors of the will: *Item I doe hereby nominate make and appoint my said two Sons in Law M^r Stephen Stringer and M^r John Holman joint Executors of this my last Will and Testament.* The will was subsequently signed and provided with an end date: *this twelfth day of May in the fourth yeare of the Reigne of our Souveraigne Lady Anne by the grace of God Queen of England and &c Anno Domini one thousand Seaven hundred and five.* Finally it mentions four witnesses: *witnessed by us in his presence. Ric. Purty Richard Thorpe Thomas Birch William ffinch.*

5.2.3 Language and Spelling

The will contains ten instances of *ff* for *F* and there are no instances of *F*. The forms *survivor* and *survivour* are both used in the will. The form *survivour* was already archaic at the time but is preferred with nine instances of *survivour* and three instances of *survivor* (*OED*, s.u. *survivor*, n). This preference for what was at the time an archaic form is also visible in the use of *heires* and *yeares*. The form *heires* is used twelve times and *heirs* only once (*OED*, s.u. *heir*, n). *Yeares* is used seventeen times and *years* only twice (*OED*, s.u. *year*, n). The capitalisation in the will is less archaic, some nouns like *Son* and *Law* are capitalised (though not fully consistent) but we don't find all nouns capitalised. The word *And* is capitalised seventeen times (not including the twelve times it's preceded by a full stop) to indicate the start of a new sentence. The capitalisation is serving the purpose of punctuation in these instances. This will contains 32 full stops, which is an exceptional number compared to the other wills in this study. Two ampersands are used, one in the end date and one in *two & twenty years*, the age his legatees had to be before getting their inheritance. This condition is mentioned twelve times in the will but only once is the ampersand used; the other eleven times the will reads *two and twenty years* written in full. The will contains a number of pronominal anaphors. There are six instances of *he*, one instance of *she* and eight instances of *they*. The will contains seven sets of doublets:

- *mind and memory*
- *give and bequeath*
- *unto and amongst*
- *give and devise*
- *nominate make and appoint*
- *my will and mind*
- *monies arising and made*

It uses *give and bequeath* but also its variant *give and devise*, the latter only being used to bequeath lands and tenements, the former for any type of possession.

5.3 Cope Freeman (d. 1734)

Cope Freeman was Jane Austen's great-uncle by marriage. He lived in Jamaica with his wife Margaret Hampson (d.1734) and five children. Cope Freeman, his wife and his youngest son Guy Freeman all died on a ship when they sailed for England. His brother-in-law George Cure became the guardian of Cope's orphaned children. His will proper is 1103 words long but additional statements are attached to it. One is on the guardianship of George Cure over Cope's son John Cope Freeman. Another additional statement is concerned with obliterations made on the original document. Cope's servant swears in this statement that the will is original and received no alteration after Cope Freeman's decease.

5.3.1 Keyword Analysis

The only keyword generated from the comparison of Cope Freeman's will against that of John Austen's will is the name *Freeman* (spelled *ffreeman*). I expected names to be among the keywords and especially since Cope Freeman was from a slightly different branch of the family from John Austen it is not surprising that this name is a result from the keyword analysis.

5.3.2 Structural Components

The will starts with the traditional invocation of God *In the name of God Amen* followed by his self-identification *I Cope ffreeman of Salisbury in the County of Wilts Esq^r*. He confirms his capacity to act by stating *being of sound mind and memory* before declaring to be making a will *do make and ordain my last Will and Testament*. The religious part of the will is limited to brief burial instructions: *desiring that I may be privately interred at the discretion of my Trustees*. He follows the rules of primogeniture and leaves the majority of his possessions to his oldest son John Cope Freeman. His wife and younger children are provided for with smaller legacies. Cope's oldest son John Cope Freeman is appointed executor: *my Son John Cope ffreeman whom I make sole Executor of this my last Will and Testament*. Cope Freeman probably didn't expect his death as John Cope was only nine years old when the will was drawn up and he couldn't have performed the task of executor. The will was dated: *this Twelfth day of December in the year of our Lord 1733* and signed by the witnesses: *in the presence of us & by us subscribed in his presence G. Payne ~ John Wilks ~ Ja Kniblo*.

5.3.3 Language and Spelling

The will contains 25 instances of *ff* for *F* and no instances of *F*. Some nouns are capitalised but there isn't any clear consistency or pattern in the capitalisation of nouns. Like in the will

of John Austen capitals are used to indicate the start of a new sentence and serve the purpose of punctuation. There are no full stops in the will. The capitalisation is the only way of indicating the start of a new sentence. The only punctuation in the wills are the use of brackets in four phrases, two of them being *that is to say* and two instances of ~ separating the names of the witnesses. There are a few pronominal anaphors in this will. There are two instances of *she*, four instances of *they* and a single instance of *it*. This latter one appears to be what Crystal and Davy (1969: 202) described as a filler of the subject position rather than a substitute for any antecedent. The three doublets used in this will are:

- *mind and memory*
- *do make and declare*
- *manner and fform*

They all occur at the beginning of the will in the fixed formula used to express the assertion of capacity to act and the declaration of making a will. Perhaps Cope Freeman was familiar with these fixed expressions to start a will but unaware of the common use of doublets throughout a will. The common *give and bequeath* is completely absent from this will. The doublet *make and declare* is preceded by the periphrastic use of *do*, it is not a form of emphasis in this case.

5.4 William Austen (1701–1737)

William Austen was Jane Austen's grandfather. He was married to Rebecca Hampson (1697–1733), Cope Freeman's sister-in-law. The injustice in his grandfather's will was probably an inspiration for his own will in which he divided his possessions equally among his three children disregarding primogeniture or gender. He was so determined to divide his possessions equally that he wanted his property to be sold before the division to make sure the division would be completely equal. His will is only 976 words long, rather short in comparison to the other wills in this study.

5.4.1 Keyword Analysis

The analysis with WordSmith Tools didn't generate any keywords.

5.4.2 Structural Components

The will starts with the invocation of God *In the name of God Amen* and the self-identification *I William Austen of Tonbridge in the County of Kent Surgeon*. William Austen declares himself fit to write the will: *being in of sound and disposing mind and memory* and declares this to be his will: *do make constitute and appoint this to be my last will and testament*. Of all the wills the religious part of this will is the most elaborate. There is a

bequest of the soul: *I resign my Soul into the merits of my blessed Saviour only*, a bequest of the body: *and commit my body to the Earth to be as privately as will consist* and some elaborate burial instructions:

with decency buried in the parish church of Tonbridge aforesaid in the same Grave wherein my late dear wife Rebecca and Daughter Hampson now lay (the said Grave having been made deeper than usual for that Intent)...should I dye at a distance from the said place upon which account it might not be so convenient by reason of the Charge etc to have me Buried at the said place I then leave it to my Executors to do as they shall think most proper

William's individual bequests make sure that his possessions are divided equally among his three children before appointing his brother Stephen and Francis his executors: *I do hereby Nominate constitute and appoint the said ffrancis and Stephen Austen to be Equal and Joint Executors to this my Will*. The will is dated *the fourteenth day of November in the year of our Lord one thousand Seven hundred and thirty five* and signed by the witnesses: *in the presence of us who in his presence and at the same time have subscribed our Names as Witnesses hereunto*.

5.4.3 Language and Spelling

There are four instances of *ff* for *F* and no instances of *F*. Certain nouns are capitalised but not consistently throughout the will e.g. there are nine instances of the noun *will* in the will, five are capitalised and four aren't. As in the two previous wills, some words are capitalised to indicate the beginning of a new sentence functioning like punctuation. There is no other form of punctuation in the will. William Austen's will is the only will in this study to include the intensifying adverb *very*: *my stables which joyn or are very near the workhouse in the said Town*. It is used to describe the location of his stables but he seems unsure of their exact location, whether they are joined to the workhouse or not. There are three instances of *it* in the will, with only one of these being an anaphor. There are seven instances of *they* and no instances of *he* or *she*. There are four doublets and one triplet in the will:

- *mind and memory*
- *will and bequeath*
- *all and every*
- *will and meaning*
- *make constitute and appoint*

The doublet *will and bequeath* is used as a variant on the common *give and bequeath* which is not used in this will.

5.5 Stephen Austen (1704–1750)

Stephen Austen was the great-uncle of Jane Austen. The will proper is quite short, consisting of only 211 words. The will had no witnesses and therefore a witness statement of 256 words was added to the will along with the scribal statement of 100 words.

5.5.1 Keyword Analysis

The only keyword that was generated in the keyword analysis was *London*. Stephen was a bookseller in London and uses his place of residence in his self-identification and it is mentioned five more times in the will.

5.5.2 Structural Components

Stephen Austen's will doesn't start with the standard invocation of God but with his self-identification: *I Stephen Austen of Newgate Street London Bookseller* and his assertion of capacity to act *being of sound Mind and Memory*. Though the phrase *In the name of God Amen* isn't present in this will there is another type of invocation present: *blessed be Almighty God for all his Mercies and ffavours bestowed upon me an unworthy Creature*. He then declares this document to be his will: *do make and declare this to be my last Will and Testament in manner and form as follows*. The only structural component present in the religious part of the will is the burial instructions: *I will that my Body be interred in Horsmonden Church near my ffather the Expence of my ffuneral as little as possible*. The individual bequests are rather short and simple as he leaves all his possessions to his wife: *to her and her only I bequeath all my Estate real and personal* and makes her the executrix of the will: *I appoint my Wife sole Executrix of this my last Will*. The will was dated: *this twenty day of March one thousand seven hundred forty five* but lacked any witnesses.

5.5.3 Language and Spelling

There are four instances of *ff* for *F* and no instances of *F*. There is a high rate of capitalisation, only four out of the total of 35 nouns are not capitalised. There is no punctuation in the will but as in the previous wills there is capitalisation that serves to indicate the start of a new sentence serving the purpose of punctuation. The will contains two instances of *it* but both are fillers and not anaphors. There are three doublets in this will:

- *Mind and Memory*

- *make and declare*
- *manner and form*

These doublets occur in the fixed formulae expressing the capacity to act and the declaration of making a will.

5.6 John Cope Freeman (1724–1788)

John Cope Freeman was a cousin to Jane Austen's father. He was the sole surviving son of his parents when he lost his parents and younger brother sailing for England from Jamaica. In a letter from 17 December 1775 Jane's father mentions how John Cope Freeman's son Cope Freeman was ill and he died soon afterwards. The Austens asked John Cope Freeman to stand godfather to Charles, Jane's youngest brother. Apparently the connection between the godfather and godson wasn't close enough for John Cope Freeman to leave Charles anything in the will. John Cope Freeman's original will provided for his wife, two sisters and a nephew of a deceased third sister but the vast majority was left to Capil Cure the son of his guardian-uncle George Cure. The provisions made for his nephew were revoked in a codicil and were also given to Capil Cure. The will is 2709 words long and the codicil adds another 536 words. The vast majority of the will is concerned with the secular bequests and the conditions attached to the bequests.

5.6.1 Keyword Analysis

The keyword analysis generated seven keywords:

- *or*
- *Capil*
- *Part*
- *Administrators*
- *Thereof*
- *Estates*
- *Rent*

If the name Capil is not taken into account still six keywords remain. Apart from *thereof* all of these keywords are common in wills but apparently particularly common in the will of John Cope Freeman. The elaborate repetition and description of terms and conditions in his will might account for these keywords including *or*. The descriptions are so accurate and thorough that *or* occurs 157 times in the will, examples of which are *Purchaser or Purchasers*, *Estate Real or Personal*, *Capil Cure or his heirs*.

5.6.2 Structural Components

This will starts with the standard invocation of God: *In the name of God Amen* and is followed by the self-identification: *I John Cope Freeman of Abbotts Langley in the County of Hertford Esquire*. It is the first will that doesn't mention the capacity to act. There are no real burial instructions, only instructions on the burial charges: *I Will and direct that my ffuneral and Testamentary Charges and Expenses together with all my just debts shall in the first place be fully paid and satisfied*. The individual bequests mainly sum up John Cope's real estate and what parts of it are supposed to be sold and what parts are to be inherited directly by Capil Cure who's also appointed executor: *I do hereby constitute and appoint Capil Cure of ffenchurch Street London Esquire to be Executor of this my Will*. The will was dated *this twenty ninth day of December in the Year of Our Lord One thousand Seven hundred and Seventy nine* and signed by the witnesses: *in the presence of us who at his request in his presence and the presence of each other have subscribed our names as Witnesses hereto John Bennet Fenchurch Street W^m Flesher D^o. – Tho. Potts Skinners Hall London*.

5.6.3 Language and Spelling

There are 30 instances of *ff* for *F* and four instances of *F* but all are in names of the testator and witnesses. The spellings *Freeman* and *ffreeman* are both used in the will. In signing both the will and codicil John Cope Freeman signed his name *Freeman*. The spelling *Freeman* is used once more when referring to one of John's sisters but the other sister is mentioned within the same sentence and her name is spelled *ffreeman*. The majority of the nouns are capitalised but there is no real consistency in the capitalisation. Capitals are used to indicate the start of a new sentence and serve the purpose of punctuation. Both the will and the codicil end in a full stop. Besides in abbreviating the name of one of the witnesses there are no other full stops in the will. The only other punctuation in the wills are brackets. There are five phrases in brackets, two are explanations the others are *that is to say*. There are five instances of *he*, six instances of *she*, three instances of *they* and a single instance of *it* but it serves a filler function. There are eight different doublets in the will:

- *Will and direct*
- *constitute and appoint*
- *shall and do*
- *declare and direct*
- *received and got in*
- *intent and Purpose*

- *give and devise*
- *by and out of all or any*

The doublet *give and devise* is used in this will instead of the standard form *give and bequeath*. The will uses more doublets than only those in the structural components of the preamble. Whoever drew up this will was aware of the common practice of using doublets other than those in the fixed formulae.

5.7 Philadelphia Hancock (1730–1792)

Philadelphia Hancock Austen was Jane Austen's aunt. She was orphaned at an early age and went to India where she married the surgeon Tysoe Hancock. She had only one child, her daughter Eliza who married Frenchman John Cappot de Feuillide. As becomes apparent from the will, Philadelphia lent John Cappot de Feuillide a great sum of money, £6500.

Philadelphia left her estate to her daughter and her grandson Hastings de Feuillide, named after her own godfather Warren Hastings who was also one of the joint executors of the will. John Cappot de Feuillide was tried and executed by the Revolutionary government in Paris in 1794 and his debt was never paid. He appears to have been involved in some shady business ventures, money laundering and gambling. Philadelphia's will is 2064 words long and is mainly concerned with the trusts she wants to set up for her daughter and grandson and her goddaughter Louisa Gruber.

5.7.1 Keyword Analysis

The keyword analysis generated seven keywords. Except for the determiner *the* all are names in the will:

- *Hastings*
- *De*
- *Warren*
- *Baber*
- *The*
- *Edward*
- *Gruber*

The determiner *the* occurs 163 times in the will, nearly 8% of the entire will. *The* is the most frequent word in the English language today, but Philadelphia's use of *the* must be excessive in comparison to the other wills for it to show up as a keyword.⁹

⁹ The most common words in the English language
https://en.wikipedia.org/wiki/Most_common_words_in_English.

5.7.2 Structural Components

Philadelphia's will is the first will not to include any invocation of God. She started her will with the declaration of making a will: *This is the Last Will and testament of me*, followed by the self-identification: *Philadelphia Hancock of Orchard Street Portman Square in the county of Middlesex London*. She provides no specific burial instructions but only instructions on her funeral expenses: *I direct that all my just debts and ffuneral Expenses and the Expense of proving this my Will shall in the first place be satisfied and discharged*. Her secular bequests are mainly concerned with setting up trusts for her daughter and grandson and appointing her executors: *I constitute and appoint the said Warren Hastings and Edward Baber Executors of this my Will and Testament*. The will was dated: *this fourteenth day of December in the year of Our Lord One Thousand seven hundred and ninety one* and signed by the witnesses: *in the presence of us who at her request and in her presence have subscribed our names as Witnesses thereto the Interlineation having been first made in the thirty seventh line of the second page hereof Edward Holden Pott No. 9 Grays Inn – Tim William Bruce No 29 Orchard Street*.

5.7.3 Language and Spelling

The will contains 22 instances of *ff* for *F* and no instances of *F*. Some nouns are capitalised but there is no real consistency in the capitalisation. As in all of the other wills capitals are used to indicate the start of a new sentence and serve the purpose of punctuation. The only punctuation in the will are the brackets with the phrase *if more than one*, describing what to do with Louisa Grubers' inheritance after her death, dividing it among her child or children if there happens to be more than one child. There are two instances of *he*, eight instances of *she*, three instances of *they* and two instances of *it*, both of them being fillers. *There* are eight different doublets in the will:

- *give and bequeath*
- *shall come into and be received to*
- *sold and disposed of*
- *to arise and be produced from (such Sale)*
- *to sell dispose collect and get in (and convert the same in to Money)*
- *to place out or invest*
- *losses costs charges and expenses*
- *sustain expend or be put unto*

Except the common *give and bequeath* all doublets are not among fixed formulae or common doublets. The author of this will must have been familiar with the art of will-making to use doublets throughout the will and invent new doublets.

5.8 James Perrot (1639–1724)

James Perrot was Jane Austen's great-great-grandfather. James and his wife Anne Dawtry (1652–1729) had thirteen children. James' will mentions Henry, Catherine, Jane, Thomas, Ann and Sarah. The vast majority of his legacy is left to his wife and his younger son Thomas. The majority of his 1994 words long will is dedicated to providing bread, clothing and money for the poor of Northleigh. The Northleigh estate that was handed down through this branch of the family was in his possession but probably already signed over to his oldest son Henry before drawing up the will as there is no mention of it in the will.

5.8.1 Keyword analysis

Since this is the earliest will from the maternal line there will be no keyword analysis for this will. This will is the starting point for the keyword analyses of Jane Austen's maternal line.

5.8.2 Structural Components

James Perrot's will starts with the standard invocation of God: *In the Name of God Amen* which is followed by the self-identification: *I James Perrot of Northleigh in the County of Oxon Esq^r*. The preamble further consists of the assertion of capacity to act: *being of sound and perfect mind and memory* and the declaration of making a will: *doe make this my last Will and Testament in manner and form following*. The religious part of the will consists of the bequest of the soul: *I commend my Soul to the hands of Almighty God my Maker assuredly hoping for Remission of all my Sins through the merits of Jesus Christ my Redeemer*, the bequest of the body: *and my Body I commit to the Earth* and burial instructions: *to be interred at the discretion of my Executor hereinafter named within the Isle which I have lately built in the Parish Church of Northleigh aforesaid with as much privacy as may be consistant with decency And Whereas I have erected a Monument in the said Isle*. The larger part of James Perrot's estate is left to his son Thomas but most of the will is concerned with several smaller legacies for the poor of Northleigh and the conditions attached to these legacies. James leaves money and food to the poor but no poor person is to benefit more than once from his charity. The secular bequests are concluded by the appointment of an executor: *my Son Thomas Perrott whom I make sole Executor of this my last Will and Testament*. The will is dated *the fourteenth day of August in the Eighth year of the Reign of our Sovereign Lord George King of Great Britain &c – Anno Domini 1721*. This reference to the reign of the King in the date is unique to this corpus of wills. The will was then signed by the witnesses: *in the presence of us whose names are here subscribed and who subscribed our names in the presence of the said James Perrot J Brooks, Tho: Taylor, George White, Edm^d. Palmer*.

5.8.3 Language and Spelling

There are sixteen instances of *ff* for *F* in the will, there are no instances of *F*. The spelling *sovereign* is used in dating the will, this spelling was becoming archaic at the time the will was drawn up (*OED*, s.u. *sovereign*, n. and adj.). Many nouns are capitalised but there is no real consistency in the capitalisation. Capitals are used to indicate the start of a new sentence and serve the purpose of punctuation. There are nine full stops in the will, eight of which are used for abbreviations especially after superscripted abbreviations like *M^r* and *S^t*. The final full stop ends the will. In summing up the witnesses commas are used to separate them. There are three instances of *she* and there is one instance of *it*. A dash is used in the end date as noted above. There are four doublets used in the will:

- *sound and perfect*
- *mind and memory*
- *nominating and appointing*
- *give and devise*

The doublet *give and devise* is a slight variation of *give and bequeath*. The other three are found in the fixed expression in the assertion of capacity to act and in appointing an executor.

5.9 Theophilus Leigh (1648–1725)

Theophilus Leigh was Jane Austen's maternal great-grandfather. Theophilus' first wife was Elizabeth Craven (1646–1688), they had one surviving child, a daughter Tryphena Leigh (1681–1743). Elizabeth died in 1688 and Theophilus was remarried a year later to Mary Brydges (1655–1703). They had twelve children in less than fourteen years when Mary passed away at the age of 37. Theophilus made a point of leaving each of his surviving children a legacy. He provided a dowry for his younger daughters and money for mourning clothes for his daughters who had already been provided for in marriage. Mary Brydges' brother James Brydges (1673–1744), Duke of Chandos, arranged marriages for Theophilus' daughters. Theophilus' daughter Cassandra was determined to marry her cousin and the will reduces her inheritance if she persisted in marrying him. The will of Theophilus Leigh reveals a shared connection to the Austens. Witness Penyston Hastings was the grandfather of Warren Hastings who had close connections to Jane Austen's father George and her aunt Philadelphia. The will is 1126 words long.

5.9.1 Keyword analysis

There are no keywords generated in the keyword analysis, like I mentioned in section 4.1 this was a possibility that was expected in the analyses of the earlier wills in both lines.

5.9.2 Structural Components

The will starts with the invocation of God: *In the Name of God Amen* and is followed by the initial date: *The Twenty Eighth day of April in the Yeare of our Lord one Thousand seven hundred twenty and two*. It is the only one of the fifteen wills analysed that includes an initial date. The date is followed by the self-identification: *I Theophilus Leigh of Adlestrop in the County of Glouc^r Esq*, the assertion of capacity to act: *being in good health of Body and of perfect and sound mind and memory* and the declaration of making a will: *do hereby make this my last Will and Testament in the manner and fforme following*. The religious part of the will only consists of burial instructions: *I Will that my Body be decently but privately Buryed without much expence in the Chancel of the Parochial Chapel of Adlestrop aforesaid next to the Body of my deare Wife deceased*. The secular bequests provide legacies for all of his children and the executor is appointed: *I do hereby make constitute and appoint my Eldest Son and heir apparent Willm Leigh sole Executor of this my last Will and Testament*. The end date is not written in full but is only a reference to the initial date: *the day and year first abovewritten*. Finally the will is signed by the witnesses: *in the presence of us who have hereunder written our Names as Witnesses in the presence and at the request of the said Theophilus Leigh the Testator Penyston Hastings Robert Parsons George Crawford*.

5.9.3 Language and Spelling

There are sixteen instances of *ff* for *F* and no instances of *F*. Both the forms *sume* and *sum* are used. The form *sume* which is used eight times in the will was archaic at the time, the form *sum* is only used once (*OED*, s.u. *sum*, v.).¹⁰ The form *goe* which is used once was archaic at the time (*OED*, s.u. *go*, v.). Like James Perrot, Theophilus used the archaic form *apeice*, the form *apiece* isn't used at all. Most nouns are capitalised but there is no real consistency in the capitalisation. Capitals are used to indicate the start of a new sentence and serve the purpose of punctuation where all other forms of punctuation are absent. There is one instance of *she* and one of *they*. This will contains four doublets and seven triplets:

- *perfect and sound*
- *mind and memory*
- *give leave and dispose of*
- *give bequeath and direct*
- *to and for*
- *give and bequeath*

¹⁰ *OED*, *sum*, n.

- *direct Will and appoint*
- *directed devised or appointed*
- *cease sink and goe to*
- *make constitute and appoint*
- *revoke annul and make void*

There are three variations of *give and bequeath* that are used in this will. The doublets aren't just those that are common or are included in the fixed formulae but include unique forms like *cease sink and goe to* which are probably generated by whoever drew up this will. This implies that the author of this will was familiar with the art of will-making. The doublet *to and for* is the first doublet in this analysis to combine prepositions instead of the nouns and verbs found this far. Even though these types of doublets are far less common than doublets containing nouns or verbs it is possible to combine any type of word, not just nouns.

5.10 John Walker (1667–1736)

John Walker was also a great-grandfather of Jane Austen. Not much is known about him apart from what he reveals about himself in his will which specifies that he is a *Doctor in Physick* and that he is *of the university of Oxon*. The will proper is rather short, consisting of only 257 words. John Walker leaves his daughter Jane only a shilling due to her recent marriage to Thomas Leigh (1696–1764) at which time he apparently settled some property or money on her. He leaves all his further possessions to his only other surviving child William.

5.10.1 Keyword analysis

The only keyword resulting from the keyword analysis is *Walker*, but since this is a name it is of no further interest in the present study.

5.10.2 Structural Components

The will starts with the invocation of God: *In the name of God Amen* which is followed by the self-identification: *I John Walker of the university of Oxon and of Saint Michaels parish in the City of Oxon Doctor in Physick*. The preamble is completed with the assertion of capacity to act: *being of sound mind and memory* and the declaration of making a will: *do make this my last Will in form following*. The will has three religious structural components in that it includes a bequest of the soul: *I give my Soul to Almighty God*, a bequest of the body: *and my body to the Earth* and burial instructions: *to be privately buried at 10 or 11 o'clock at Night without Pall or Pallbearers and without Toll of any Bell near to the corps of my late dear Wife and my son John*. It deviates in the regular order in the part with the secular bequests; the executor is appointed before any individual bequests are made. John Walker appointed his son

William as his executor: *I nominate and appoint my Son William Walker sole Executor of this my last Will.* The will is dated *November the eighth 1733* and attested by witnesses: *in the presence of us and attested by us in the presence of the Testator Thomas Sayer Jonathon Sheppard James Walker.*

5.10.3 Language and Spelling

Most nouns are capitalised but there is no real consistency in the capitalisation. Capitals are used to indicate the start of a new sentence and serve the purpose of punctuation in the will where all other forms of punctuation are absent. There is one instance of *she* when John Walker refers to his daughter. There are only two doublets in the will:

- *nominate and appoint*
- *mind and memory*

Both are part of fixed structural components and don't convey that the author of the will has an elaborate knowledge of wills.

5.11 Henry Perrot (1689–1740)

Henry Perrot was Jane Austen's great-great-uncle and eldest son of James Perrot. He was married to Martha Bouchier (1701–1741), connecting him to both the Brydges and Leigh families as her mother was Catherine Brydges (1678–1732) whose sister Mary Brydges (1665–1703) was married to Theophilus Leigh (1643–1725). They had two daughters, Cassandra and Martha. He was legally separated from his wife in 1734 but doesn't mention this in his will and leaves her his Northleigh manor for her lifetime to use. The 1452 words of his will are mainly concerned with leaving the Northleigh estate to his brother Thomas and his male heirs after his estranged wife Martha's decease. His other property and possessions he left to his two daughters who were only seventeen and twenty at the time of his death. Neither of his daughters ever got married and the property he left them went to James Musgrave (1744–1814), a son of their cousin James Musgrave (1712–1778).

5.11.1 Keyword analysis

The only keyword generated in the keyword analysis is the name of *Perrot*. Even though there is already a will by another Perrot in the corpus, the frequent mentioning of this name by Henry Perrot made it a keyword nevertheless.

5.11.2 Structural Components

The will starts with the classic invocation of God *In the name of God Amen* and is followed

by the self-identification *I Henry Perrot of Barnsley in the county of Gloucester Esquire*. The preamble is concluded with the assertion of capacity to act: *being of sound and perfect mind and memory* and the declaration of making a will: *Do make this my last Will and Testament*. The religious part of the will only consists of burial instructions: *Wherever it shall happen that I dye in England or beyond the seas it is my desire to be buried in my vault in the parish Church or Northleigh with as much privacy as is consistent with Decency*. As pointed out above there is no mentioning of Henry and his wife being estranged in the will and he even appoints her as one of the joint executors of the will: *Wherever it shall happen that I dye in England or beyond the seas it is my desire to be buried in my vault in the parish Church or Northleigh with as much privacy as is consistent with Decency*. In the end date there is once again the mentioning of the year of the reign of the king: *the Eleventh day of August in the eleventh year of the reigne of our Sovereigne Lord George the Second King of Great Britain and in the year of our Lord 1737*. The will is ended with the signatures of the witnesses: *in the presence of us whose Names are here subscribed and who subscribed our names in the presence of the said Henry Perrot Richard Chester Joseph Gascoyne Ben Barkley*.

5.11.3 Language and Spelling

There are twelve instances of *ff* for *F* and one instance of *F* in naming the town of Fyfield. Many nouns are capitalised but there is no real consistency in the capitalisation. Capitals are used to indicate the start of a new sentence and serve the purpose of punctuation. The will includes three bracketed sentences and even though no full stops are used throughout the will it is ended in a full stop. There is one instance of *he* in the will, seven instances of *they* and one anaphoric instance of *it*. There are four doublets in the will:

- *mind and memory*
- *give devise and bequeath*
- *give and devise*
- *give and bequeath*

They are all variants of the same doublet and are used interchangeably throughout the will.

5.12 Thomas Perrot (1694–1751)

Thomas Perrot was Jane Austen's great-great-uncle. He had inherited property in Berkshire from his father James Perrot and after the death of his sister-in-law Martha inherited the family property of Northleigh. He and his wife Sarah never had any children, and even though his brother Henry issued in his will that Northleigh had to be returned to his daughters in case there would be no male successor for Thomas, it appears that Cassandra renounced her claim

to Northleigh. Thomas decided to leave Northleigh to his sister Ann Perrot in his original will but there's a codicil to the will that explains that Ann asked for an annuity rather than the estate. It was then given to their great-nephew James Leigh, who was asked to change his name to James Leigh-Perrot. James Leigh Perrot was the brother of Jane Austen's mother Cassandra and brought the Perrot fortune within reach of Jane and her family. The will proper is 1478 words long and the additional codicil is 832 words in length.

5.12.1 Keyword analysis

No keywords were generated from the keyword analysis.

5.12.2 Structural Components

The will starts with the invocation of God: *In the Name of God Amen* and is followed by the self-identification: *I Thomas Perrot of the City of Bath in the County of Somerset Esquire*, assertion of capacity to act: *being of sound and perfect Mind and Memory* and the declaration of making a will: *do make this my Last Will and Testament*. There are two structural components in the religious part of the will, the bequest of the soul: *ffirst and most Chiefly I commend my Soul to Almighty God assuredly hoping for Salvation through the Merits of Jesus Christ my Dear Redeemer* and the burial instructions: *my desire is to be buried in my ffamily Vault at Northleigh aforesaid in a private and decent manner and close to my Dear Wife deceased*. It is peculiar that when Thomas appointed his executors he didn't mention them by their full names: *I do hereby make them the said Doctor James Musgrave and M^r Leigh Executors of this my last Will*. He mentions more than one male Leigh in his will and he should have been more thorough in appointing his executors as ambiguity could arise here. The will is dated *Third Day of March in the Year of Our Lord Christ One Thousand seven hundred and forty seven* and witnessed: *in the presence of us and attested in his presence by us John Knightley otherwise Wightwick, James Sparrow Tho^s Wightwick*.

5.12.3 Language and Spelling

There are 26 instances of *ff* for *F* and no instances of *F*. Thomas uses the form *followeth* once in his will, which was archaic at the time (*OED*, s.u. *follow*, v.) . He also used the form *following* twice, all three are used in the exact same meaning. The form *annuitys* is used twice in the will, it is a plural unattested in the *OED* (*OED*, s.u. *annuity*, n.). Another form unattested in the *OED* is *entituled* which is possibly a spelling error (*OED*, s.u. *entitled*, adj.). Many nouns are capitalised but there is no real consistency in the capitalisation of nouns. Capitals are used to indicate the start of a new sentence and serve the purpose of punctuation.

There are eleven full stops in the will and codicil combined, ten are used in abbreviations like *M^r* and one is used to end the codicil. The will proper is not ended with a full stop. There are sixteen phrases in brackets, most of them are *that is to say* other are exceptions like *Except the large Silver chased Waiter*. There are three instances of *he*, there is one instance of *she*, one instance of *it* and six instances of *they*. There are eight doublets in the will:

- *sound and perfect*
- *mind and memory*
- *give and devise*
- *pay off satisfie and discharge*
- *will and order*
- *pay suffer expend or be put unto*
- *any matter cause Law or thing*
- *give devise and bequeath*

The list of doublets includes both the common doublets like *sounds and perfect* and more creative doublets like *pay suffer expend or be put unto*. This knowledge on the use of doublets suggests that the author of the will was familiar with wills as a text type beyond some of the well known fixed subcomponents. The triplet *give devise and bequeath* was first attested within this study in the will of Henry Perrot. Perhaps Thomas was inspired for the use of this triplet by his brother Henry's will.

5.13 Ann Perrot (1676–1760)

Ann Perrot was Jane Austen great-great-aunt. Her will shows the close connection between her and her niece Jane Walker (1704–1768) who was married to Thomas Leigh (1696–1764) cousin to Martha Bouchier who was married to Ann's brother Henry Perrot. Ann went to live with Thomas and Jane after their marriage. This close relationship to the Leighs explains why she persuaded her brother to leave the Northleigh estate to their eldest son James Leigh (1735–1817).

5.13.1 Keyword analysis

The keyword analysis generated two keywords:

- *Fifty*
- *Reverend*

Both occur seven times in the will, which is only 383 words in length. The term *Reverend* is used both in relation to Thomas Leigh and Ann's nephew James Musgrave. She leaves the sum of £50 six times in her will, the final occurrence of *fifty* being in the end date of the will.

5.13.2 Structural Components

The will starts with the invocation of God: *In the name of God Amen* and is followed by the self-identification: *I Ann Perrot of the parish of Harden in the county of Oxford Spinster*. The preamble lacks the assertion of the capacity to act and is ended in the declaration of making a will: *do make and appoint this my last Will and Testament*. The religious part of the will contains the bequest of the soul: *Imprimis I give my Soul to Almighty God*, the bequest of the body: *and my body to the Earth* and burial instructions: *to be decently and privately laid in the ffamily vault by my Executors in Northleigh Church and to have dark Cloth enough to throw over my coffin instead of a pall to make six poor women of the parish of Northleigh Gowns*. There are twelve individual bequests in the will, two are providing for the poor the others are providing several legacies to her nieces, nephews and servant. Ann Perrot appointed Thomas and Jane Leigh, who she had been living with for years, her executors: *I appoint my said Nephew the Reverend Mr Thomas Leigh and my said Niece Mrs Jane Leigh his Wife my Sole Executors of this my last Will and Testament*. She refers to them as being her *Sole Executors*, a combination unseen in the other wills in this study, the term *Sole Executor* is used only to refer to a single executor and not to refer to multiple executors. Will was dated *September the nineteenth One Thousand Seven hundred and fifty five* but didn't have any witnesses. She mentions that she drew up the will herself, she might not have been aware of the requirement to have witnesses.

5.13.3 Language and Spelling

There are three instances of *ff* for *F* and no instances of *F*. Only few nouns are capitalised, mostly those that have to do with legal terminology like *Will* and *Testament* or those that indicate family relationship like *Nephew* and *Niece*. Capitals are used to indicate the start of a new sentence and serve the purpose of punctuation. The date is written in between hyphens, beside these hyphens there is no other punctuation in the will. It is the first will in this study that does not include any anaphors. There are two doublets in the will:

- *make and appoint*
- *give and bequeath*

Both are part of fixed expressions in wills.

5.14 Thomas Leigh (1696–1764)

Thomas Leigh was Jane Austen's maternal grandfather and was married to Jane Walker (1704–1768). They had four children, James, Jane, Cassandra and Thomas, this younger son Thomas being mentally disabled. Their oldest son James was well provided for by the

inheritances from Thomas and Ann Perrot. Thomas Leigh leaves his son James only £350 which is meant for the care of his disabled brother. Thomas Leigh's possessions are tied up in South Sea Annuities worth £5050 and are left to his wife for her lifetime. After the death of his wife, the vast majority of these Annuities were to be equally divided between his two daughters. His will is 1193 words long and most of it is concerned with arranging the care for his son Thomas and dividing his possessions equally among his daughters.

5.14.1 Keyword analysis

The keyword analysis generated two keywords:

- *south*
- *sea*

Both occur seven times in the will and are used in the referring to Thomas' *South Sea Annuities*.

5.14.2 Structural Components

The will starts with the invocation of God: *In the name of God Amen* and the self-identification: *Thomas Leigh Clerk and Rector of Harden in the County of Oxford*. The preamble is completed with the assertion of capacity to act: *being of Sound Mind and Disposing Understanding* and the declaration of making a will: *Do make this my last Will and Testament*. The religious part of the will only mentions the burial instructions: *I Desire to be Buried in one of the Churches at Bath*. Thomas made his wife his sole executrix: *my Dear wife whom I make Sole Executrix of this my Will*. The will was dated: *Twenty first Day of May in the year of our Lord One thousand Seven hundred and Sixty two* and subscribed by three witnesses: *in the Presence of us who have Subscribed our Names as Witnesses thereto in the Presence of the Said Testator and of each other T. Paulin – John Spry – Will^m Orchard*.

5.14.3 Language and Spelling

There are sixteen instances of *ff* for *F* and no instances of *F*. Many words are capitalised in this will. Not just nouns, but there isn't a clear pattern underlying the capitalisation. Capitals are used to indicate the start of a new sentence and serve the purpose of punctuation. There is one full stop which is used for the abbreviation of the name of one of the witnesses, there are no other full stops in the will. The only other punctuation is again found with the witnesses; whose names are separated by hyphens. Like in the will of Ann Perrot there are no anaphors in this will. Since this feature is present in all other wills up to Ann Perrot's will it is possible

that Thomas Leigh modelled his will after Ann Perrot's. There is only one doublet in the will: *Ratify and confirm*.

5.15 Jane Walker née Leigh (1704–1768)

Jane Walker was Jane Austen's maternal grandmother. She is the one person who connects the Brydges, Leighs, Perrots and Walkers in the maternal family line. She was born Leigh, was raised by the Perrots, married Walker and her mother in law (even though deceased before she was even born) was a Brydges. She leaves her son James £200, her servant £50 and the residue to her two daughters Jane and Cassandra. Her will is rather short, consisting of only 207 words.

5.15.1 Keyword analysis

The keyword analysis didn't generate any keywords.

5.15.2 Structural Components

The will starts with the invocation of God: *In the Name of God Amen* and is followed by the self-identification: *I Jane Leigh Widow now Living the parish of Dean in the County of Southampton*. There is no assertion of capacity to act in this will, the self-identification is immediately followed by the declaration of making a will: *Do make publish and Declare this my last Will and Testament*. Jane Walker leaves a small sum to her son James Leigh Perrot, a small sum to her servant and the remainder is to be divided among her two daughters. There is no mentioning of her disabled son Thomas in the will but the sum she left her son James might have been intended for taking care of Thomas. The secular bequests are ended with the appointment of her executors: *And I do hereby constitute and appoint the Reverend George Austen Rector of Steventon in the County of Southampton with my said Daughter Cassandra Austen his Wife Executor and Executrix of this my last Will and Testament*. The will is dated: *this 12th Day of July in the Year of Our Lord 1768* and has two witnesses: *in the presence of us. Tho: Leigh. Elizabeth Leigh*.

5.15.3 Language and Spelling

This is the first will that includes instances of *F* but not of *ff* for *F*. There are two instances of *F* in the will. Most nouns are capitalised and also some verbs as in "Do make publish and Declare". Capitals are used to indicate the start of a new sentence and serve the purpose of punctuation. There are six full stops in the will, three are preceded by the names of the testator and witnesses, the others serve to indicate the end of a sentence. There are two doublets in the will:

- *make publish and Declare*
- *give and bequeath*

They are both common fixed formulae in wills and are no indication that whoever drew up the will knew about the convention of doublets in wills other than those used in the fixed formulae.

5.16 Jane Austen (1775–1817)

Jane Austen's will is the first to unite the paternal and maternal lines and is the final will analysed in this study. Her will has been thoroughly analysed by Tieken-Boon van Ostade (2014) but a comparison of her will to that of her ancestors to my knowledge hasn't been made yet.

5.16.1 Keyword Analysis

Neither a keyword analysis of Jane's will compared to the complete corpus of the fourteen wills, nor to the separate paternal and maternal corpora resulted in any keywords. Her will is too similar to that of her ancestors to generate any keywords. The language use in her will conforms to that of her ancestors and it's a possibility that she learned how to draw up a will from her relatives.

5.16.2 Structural Components

She stripped the structural components of her will to less than the bare essentials. Only six out of the eighteen structural components are present in her will and her will lacks witnesses. It starts with the self-identification: *I Jane Austen of the Parish of Chawton* and is followed by the declaration of making a will: *do by this my last will & Testament*. There are individual bequests to her sister Cassandra, her brother Henry and Madame Bigeon. The latter was Henry's servant and as he went bankrupt he was in no position to pay her (Tieken-Boon van Ostade 2014: 324). Cassandra is appointed executrix: *And I appoint my said dear Sister the Executrix of this my last will & Testament*. The will was signed and provided with an end date: *April 27, 1817*.

5.16.3 Language and Spelling

As the original will in Jane Austen's own hand has come down to us it is possible to look at her own spelling rather than a scribal copy's spelling. The will has one instance of *F* and no instances of *ff*. Most of the nouns in the will are capitalised, only two out of the total of eleven nouns are not capitalised. The will has one full stop and is ended in a colon. There are four commas separating the main clause in subclauses. The final subclause is preceded by a dash.

Four ampersands are used in the will as well as *and* in full written form twice. The will does not contain any subject pronominal anaphors but does contain one anaphor in the form of *them*. The only doublet in the will is *give and bequeath*.

5.17 Corpus keyword analysis

An initial keyword analysis of a corpus consisting of the six wills from the paternal line and a corpus of the eighth wills from the maternal line gives the results from Table 4.1 and Table 4.2. The results with a negative keyness factor are those that would be expected to show up more often in comparison to the reference corpus. The total Austen corpus consists of 10,696 words and the Leigh corpus consists of 8,922 words.

Key word	Freq.	%	Keyness
OR	317	3,551422834	84,55995941
AUSTEN	59	0,660990357	52,44789886
UNTO	74	0,829038739	39,36684036
FFREEMAN	30	0,336096793	36,45289993
GRAND	25	0,280080676	30,37208366
CURE	24	0,268877447	29,15617561
CAPIL	20	0,224064529	24,29340172
GIVE	45	0,504145205	-27,03255653
THOMAS	11	0,123235494	-27,68462563
POUNDS	45	0,504145205	-30,25866318
DEAR	3	0,033609681	-32,22436142

Table 5.1 Keyword analysis Austen vs Leigh corpus

The keyword *or* is used often in doublets or in conditions attached to a bequest, for example when a bequest is granted to a female legatee *at the age of twenty one **OR** day of marriage*. The Austen's have been more elaborate in their description of conditions on bequests, this explains why *or* is a keyword in their corpus compared to the Leigh corpus. With a frequency of 45 *give* has a negative keyness. It was expected to show up more often as the Leigh corpus has a frequency of 93 for *give*. The Austen line uses more variations from *give and bequeath* than the Leighs, especially *will and direct* is more common with the Austens and explains why *give* has a negative keyness in the corpus keyword analysis.

Key word	Freq.	%	Keyness
LEIGH	61	0,683396816	96,30664063
PERROT	48	0,537754893	75,74394226
NORTHLEIGH	47	0,526551664	74,16306305
JAMES	31	0,347300023	48,88564682
OXFORD	25	0,280080676	39,41472244
POOR	25	0,280080676	39,41472244
DEAR	31	0,347300023	32,22436142
POUNDS	97	1,086712956	30,25866318
PERROTT	19	0,2128613	29,94820976

FFIFTY	19	0,2128613	29,94820976
THOMAS	44	0,492941976	27,68462563
GIVE	93	1,041900039	27,03255653
CASSANDRA	17	0,190454856	26,79368782
MUSGRAVE	16	0,179251626	25,21660995
WALKER	16	0,179251626	25,21660995
UNTO	12	0,134438723	-39,36684036
AUSTEN	3	0,033609681	-52,44789886
OR	100	1,120322704	-84,55995941

Table 5.2 Keyword analysis Leigh vs Austen corpus

These two comparisons show that the two corpora of wills, even though consisting of the exact same text types, do differ somewhat in their language use. The keyword analysis didn't give as many results as I had hoped. The wills were too similar to generate a great number of keywords. Whether this is because the wills are too similar as a text type or whether they are similar because they are modelled after each other is impossible to say with the small number of generated keywords. I was pleasantly surprised to see that the keyword analyses in comparing the paternal and maternal corpora yielded some results. Eliminating the names from Table 4.1 and 4.2 results in Tables 5.1 and 5.2.

Key word	Freq.	%	Keyness
OR	317	3,551422834	84,55995941
UNTO	74	0,829038739	39,36684036
GRAND	25	0,280080676	30,37208366
GIVE	45	0,504145205	-27,03255653
POUNDS	45	0,504145205	-30,25866318
DEAR	3	0,033609681	-32,22436142

Table 5.3 Keyword analysis Austen vs Leigh corpus after eliminating names

Key word	Freq.	%	Keyness
POOR	25	0,280080676	39,41472244
DEAR	31	0,347300023	32,22436142
POUNDS	97	1,086712956	30,25866318
FFIFTY	19	0,2128613	29,94820976
GIVE	93	1,041900039	27,03255653
UNTO	12	0,134438723	-39,36684036
OR	100	1,120322704	-84,55995941

Table 5.4 Keyword analysis Leigh vs Austen corpus after eliminating names

The most striking result is the keyword *poor* in Table 5.2. I noticed when going through the wills that the wills from the maternal line usually provided for the poor of their parishes. The only will in the paternal line to mention the poor is the will of John Austen. In the maternal line only the wills of John Walker and Jane Walker Leigh leave nothing to the poor whereas the other six wills do. The Austens are more businesslike in their wills than the Leighs and it is no surprise that an affectionate term like *dear* shows up with a negative keyness in the

keyword analysis when compared to the maternal wills. The keyword *ffifty* occurs nineteen times in the Leigh corpus in comparison to eleven instances of *fifty*. The paternal corpus only has one instance of *fifty* and none for *ffifty* which explains the keyness of *ffifty* in the maternal corpus.

5.18 Structural Analysis

The structural analysis of the wills is summarised in Table 5.3. It lists for each of the eighteen components as proposed by Bach whether they were present in the wills or not. From this we can tell that across time wills are stripped more to the essential core of bequeathing the worldly goods to the next generation and are less concerned with other issues like religion.

5.18.1 Preamble

Items 1–6 in Table 5.3 are all part of the preamble. The invocation of God is absent in the two most recent wills and five of the more recent wills don't mention the capacity to act. The justification for writing a will is absent in all fifteen wills. The most important components of the preamble are without a doubt the self-identification and the declaration of making a will. They are present in all fifteen wills.

5.18.2 Religious Part

As Bach stated the religious function is declining and we can tell from Table 5.3 that items 7–10 are less common in the most recent wills. The burial instructions are the most important part of the religious part. Only three wills don't have burial instructions. These are the most recent wills and all by female testators. Both Philadelphia Hancock and Jane Walker were married and it might have been obvious that they wanted to be buried near their husband. Jane Austen was the third testator not leaving any burial instructions.

5.18.3 Secular Bequests

The secular bequests are at the core of the wills. The individual bequests make up most of the fifteen wills. The knowledge on executing a will was common enough among all testators to make sure one or more executors were appointed in each will. Jane Austen's will is stripped to the bare essentials of making a will and apart from having no witnesses, her will conforms to all requirements of a valid will.

5.18.4 Assertion and Confirmation of Authenticity

Besides the three wills that didn't have any witnesses all other structural components in this section are present in all fifteen wills. These components are by all testators regarded as an

essential part of the will as they all made sure to include these components.

From the structural analysis we can conclude that there are some structural components that have disappeared from wills but also some that are absolutely essential. Based on these fifteen wills it can be concluded that the religious part is becoming less important if not disappearing all together. As noted by Tieken-Boon van Ostade (2014: 324) it is striking that a clergyman's daughter like Jane Austen doesn't include a religious part. Wills were becoming primarily concerned with the individual bequests and less with secondary matters like religion and burials. With only one single exception the initial date and the justification for drawing up a will aren't present at all. They are not essential to what seems to have become the single purpose of wills, that of leaving possessions to legatees. All structural components that are not absolutely necessary for identifying and validating the will or bequeathing possessions are becoming less frequent or aren't even present in these Late Modern English wills. Bach's structure was devised for sixteenth and seventeenth century wills and there appears to have been a shift in structure since.

5.19 Language and spelling

Throughout all wills archaic spellings and capitalisation are used. As this is a known feature of legal language this is was to be expected. The most recent wills in my corpus are becoming less archaic and show more instances of *F* instead of the archaic *ff*. Punctuation is scarce or absent in these fifteen wills but is supported by capitalisation which functions as punctuation in most cases. The use of anaphors in wills differs from the common practice in legal documents in general. Apart from the wills of Ann Perrot and Thomas Walker all wills contain between one and fifteen anaphoric pronouns. Perhaps the personal nature of wills dealing with a great number of family members and family relations accounts for this difference between wills and legal documents in general. There are many similarities with some slight variations in the doublets that are found in these wills. They might be copied from one another or might just have been a part of common knowledge on wills. Especially the doublets *give and bequeath*, *give and devise* and slight variations like *give devise and bequeath* are common in these fifteen wills but this might be due to common knowledge on wills in general. The most common doublets are collected in table 5.5.

Doublet	Number of wills it was attested in
<i>mind and memory</i>	9
<i>give and bequeath</i>	7

Table 5.5 The most common doublets in this study

The most common doublet is *mind and memory* which is used nine times in nine different wills in the assertion of capacity to act. The doublet *give and bequeath* is used in seven different wills and is used 29 times in total. The doublet *give and devise* is used in five different wills and twenty times in total.

Testator	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Paternal Line																		
John Austen (1629–1705)	YES	NO	YES	NO	YES	YES	YES	NO	YES	NO	YES	NO	YES	N O	YES	YES	YES	YES
Cope Freeman (d. 1734)	YES	NO	YES	NO	YES	YES	NO	NO	YES	NO	YES	NO	YES	N O	YES	YES	YES	YES
William Austen (1701–1737)	YES	NO	YES	NO	YES	YES	YES	YES	YES	NO	YES	NO	YES	N O	YES	YES	YES	YES
Stephen Austen (1704–1750)	YES	NO	YES	NO	YES	YES	NO	NO	YES	NO	YES	NO	YES	N O	NO	YES	YES	NO
John Cope Freeman (1724–1788)	YES	NO	YES	NO	NO	YES	NO	NO	YES	NO	YES	NO	YES	N O	YES	YES	YES	YES
Philadelphia Hancock Austen (1730–1792)	NO	NO	YES	NO	NO	YES	NO	NO	NO	NO	YES	NO	YES	N O	YES	YES	YES	YES
Maternal Line																		
James Perrot (1639–1724)	YES	NO	YES	NO	YES	YES	YES	YES	YES	NO	YES	NO	YES	N O	YES	YES	YES	YES
Theophilus Leigh (1648–1725)	YES	YES	YES	NO	YES	YES	NO	NO	YES	NO	YES	NO	YES	N O	YES	YES	YES	YES
John Walker (1667–1736)	YES	NO	YES	NO	YES	YES	YES	YES	YES	NO	YES	NO	YES	N O	YES	YES	YES	YES
Henry Perrot (1689–1740)	YES	NO	YES	NO	YES	YES	NO	NO	YES	NO	YES	NO	YES	N	YES	YES	YES	YES

															O				
Thomas Perrot (1694–1751)	YES	NO	YES	NO	YES	YES	YES	NO	YES	NO	YES	NO	YES	N	YES	YES	YES	YES	
														O					
Ann Perrot (1676–1760)	YES	NO	YES	NO	NO	YES	YES	YES	YES	NO	YES	NO	YES	N	NO	YES	YES	NO	
														O					
Thomas Leigh (1696–1764)	YES	NO	YES	NO	YES	YES	NO	NO	YES	NO	YES	NO	YES	N	YES	YES	YES	YES	
														O					
Jane Walker Leigh (1704–1768)	YES	NO	YES	NO	NO	YES	NO	NO	NO	NO	YES	NO	YES	N	YES	YES	YES	YES	
														O					
Jane Austen (1775–1817)	NO	NO	YES	NO	NO	YES	NO	NO	NO	NO	YES	NO	YES	N	NO	YES	YES	NO	
														O					

Table 5.6 Summary of Structural Analysis

- | | | |
|---------------------------------|-------------------------------------|-----------------------------------|
| 1. Invocation of God | 7. Bequest of soul | 13. Appointment of executor |
| 2. Initial Date | 8. Bequest of body | 14. Optional: Expression of trust |
| 3. Self-identification | 9. Burial instructions | 15. Scribal statement |
| 4. Justification | 10. Intercession and requiem mass | 16. Signature |
| 5. Assertion of capacity to act | 11. Individual bequests | 17. End date |
| 6. Declaration of making a will | 12. Optional: Advice and admonition | 18. Witnesses |

6. Conclusions

This chapter offers the final conclusions to this study. The conclusion is divided into two sections: the first section discusses how will-making may have been a family tradition and how this has become apparent from the keyword analysis. The second section is concerned with the changes that have been detected in the structural scheme as proposed by Bach for earlier wills and the schemes attested in these eighteenth century wills.

6.1 Will-making as a family tradition

The small number of keywords generated in the keyword analysis suggests a great similarity between all wills. Wills are all the same type of legal document and their language use is highly similar. The most interesting results from the keyword analysis were those from the comparison of the maternal and paternal corpora of wills. The keyword analysis suggested that, apart from being the same type of legal document, there are two distinct traditions between the paternal and maternal family lines. The Austens are mainly concerned with the individual bequests to their heirs and go about this in a businesslike manner. The frequent occurrence of *or* in the paternal wills might be a result of the conditions attached to their bequests. John Austen's will, for instance, has 47 instances of *or* all of them in the individual bequests which are accommodated with many conditions. The maternal tradition of will-making has a friendlier character as is apparent from the keyword *dear*. The friendlier character is also apparent from their gifts to the poor. Jane Austen's will merges both the paternal and maternal traditions. We can tell from her will that she was very likely influenced by both the maternal and paternal traditions of will-making. Her will is short and cuts out all unessential structural elements. Yet in her language and bequests we see some of the traditions from her maternal ancestors: she refers to Cassandra as her *dear sister* and *dearest sister* and leaves money to her bankrupt brother's housekeeper. From Jane Austen's will I conclude that will-making was an art that was passed on within families. The similarities between the doublets in the wills of Henry Perrot and Thomas Perrot suggests that Thomas's will was modelled after Henry's. The similarities in anaphoric pronouns between Ann Perrot and Thomas Walker also suggests that his will was inspired by her will and that will making was indeed a family tradition.

6.2 Changes in structural scheme

As has been discussed in 5.16 above, the wills were getting more businesslike over time. This is not only apparent from the language of the wills but also from the disappearance of

structural elements. The earlier wills in this study contain more structural elements than the later ones. Jane Austen's will contains only seven out of the possible eighteen structural elements. She has stripped her will to the bare essentials and was perhaps inspired by the wills of Philadelphia Hancock and Jane Walker whose wills contained eight and nine structural elements respectively. Some structural elements as suggested by Bach were perhaps outdated or not present in the tradition of will-making within these two families. Out of these fourteen wills there is only one will that contains an initial date and not a single will contains a justification for drawing up a will. Based on this study I would eliminate them from the structural scheme for eighteenth century wills. All other structural elements in the preamble are to be maintained as they occur in the majority of the wills.

The religious part was already on the way out when Bach proposed his structural scheme. From these wills I can conclude that a further decline was indeed going on. The elements *bequest of soul* and *bequest of body* are becoming rarer over time in these fifteen wills. I want to propose to remove these two elements from a revised structural scheme for the eighteenth century. The religious part of the will is then only concerned with the burial instructions and for Roman Catholic wills also the intercession and requiem mass. The two optional components in the secular bequests are not present in these wills and can be removed from the structural scheme. Only the final part of the will, the assertion and confirmation of authenticity, remains unchanged. The structural scheme for eighteenth century wills is then as follows:

- Invocation of God
- Self-Identification
- Assertion of capacity to act
- Declaration of making a will
- Burial instructions
- Individual bequests
- Appointment of executor
- Scribal Statement
- Signature
- End date
- Witnesses

6.3 Conclusion on Language and Spelling

The analysis of the language and spellings of the fifteen wills supported the conclusion of will making as a family tradition. The spelling of *ff* for *F* was used less or not at all in the most recent wills in this study. The archaic spelling was becoming less frequent even in these legal documents, that are known for archaic spelling and language. The capitalisation practice in the later wills is archaic. Nouns were no longer capitalised by the end of the eighteenth century, yet Jane Austen's will has capitalisation of nine out of the total of eleven nouns. This archaic practice apparently stayed in use in wills. The capitalisation also has an extra function in most of the wills in this study, that of punctuation. Like in all legal language, punctuation is scarce and capitalisation is used for clarity. The anaphoric pronouns that are uncommon in legal language in general are present in nearly all wills in this study. The personal nature of wills might account for this difference with legal language in general.

6.4 Suggestions for further research

The keyword analysis didn't quite give the results I hoped to find. This might be due to the limited amount of wills analysed in this study. I suggest to repeat this study with a greater number of wills. The earlier wills in such a study probably won't generate a great number of keywords but with the increase of the corpus with more wills to compare the single wills to might result in more keywords from later wills in such a study and to go beyond the Austen and Leigh families. The problem could also be that some wills tend to be very short and a keyword analysis through WordSmith Tools might not be appropriate for such an analysis. The analysis of the structural components suggests that the structure as proposed by Bach for the sixteenth and seventeenth centuries is outdated for the eighteenth century. A study with a larger corpus of wills like Bach's study of Cambridge wills with wills from the eighteenth century could draw more conclusive results on this matter.

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